REMARKS

The present Amendment is in response to the Examiner's Office Action mailed October 18, 2007. Claims 1 and 8 are amended. Claims 1-14 are now pending in view of the above amendments.

Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. In addition, Applicants request that the Examiner carefully review any references discussed below to ensure that Applicants understanding and discussion of the references, if any, is consistent with the Examiner's understanding.

Double Patenting

The Office Action rejected claims 1-14 under double patenting with respect to Application No. 10/735,417. Applicant respectfully traverses the rejection and does not concede that the claims are conflicting. However, Applicant submits that the double patenting rejection is moot in view of the amendments made herein. In particular, double patenting requires that the same invention be claimed twice. Claim 1, however, has been amended to recite: wherein a different network device can connect with each of the first and second set of tap ports and each different network device can receive the combined network data (support for the amendment is found at least in Figure 15 and ¶¶[0125]-[0128]). Thus, each different device can receive the same combined network data. The Office Action has not illustrated that this element of claim 1, is present in the claims identified by the Examiner in Application No. 10/735417. As a result, Applicant respectfully requests withdrawal of the double patenting rejection.

Rejection Under 35 U.S.C. § 103

The Examiner rejects claims 1-6 and 8-11 under 35 U.S.C. § 103 as being unpatentable over *Worrall* (U.S. Patent Publication No. 2006/0153177) in view of *Sorhaug* (U.S. Patent No. 6,424,627) and further in view of *NetOptics* (4x1 GigaBit Tap). The Examiner rejects claim 7 under 35 U.S.C. § 103 as being unpatentable over *Worrall* in view of *Sorhaug* and in view of *NetOptics* (4x1 GigaBit Tap) as applied to claims 1, 2, and 6 above, and further in view of *Tomonaga* (U.S. Patent No. 5,610,913). The Examiner rejects claims 12 and 13 under 35 U.S.C. § 103 as being unpatentable over *Worrall* in view of *Sorhaug* and in view of *NetOptics* (4x1 GigaBit Tap) as applied to claims 1 and 2 above, and further in view of *Yanacek* (U.S. Patent No. 5,940,376). The Examiner rejects claim 14 under 35 U.S.C. § 103 as being unpatentable over *Worrall* in view of *Sorhaug* and in view of *NetOptics* (4x1 GigaBit Tap) and in view of *Yanacek* as applied to claim 13 above, and further in view of *Bouthillier et al.* (U.S. Patent No. 6,092,724).

Applicant respectfully traverses the rejections under § 103 at least on the grounds that the cited references fail to teach or suggest each and every limitation of the pending claims.

Claim 1 has been amended to recite "means for inserting device data from the different network devices into the network cable without disrupting the flow of data in the network cable. Claim 8 has been amended to clarify that this data can be received by other components in the network. The cited art fails to teach or suggest this aspect of claim 1.

The Office Action suggests that *Sorhaug* discloses the teaching for inserting received device data into the network cable without disrupting the flow of data therein. Applicant respectfully disagrees. *Sorhaug* states that the "medium monitor may interrupt medium data transfer in either medium direction and insert its data for diagnostic or other network purposes." *See* abstract. *Sorhaug* also states that the network monitor or network analyzer can selectively insert data in either direction to provide complete diagnostic control testing of the channel." *See* col. 2, lls. 12-14.

Interrupting medium data transfer or selectively inserting data for diagnostic control testing suggest that the data in the network is interrupted when the network monitor inserts data. In contrast, claim 1 recites that the means for inserting device data . . . "without disrupting the flow of data in the network cable." Further, inserting data for diagnostic purposes fails to teach or suggest that the different attached network devices can insert data such as a kill packet to

instruct a firewall or to send instructions to components of the network for use by the components as recited in claim 8.

Because the cited references fail to teach or suggest this element of claim 1, among others, Applicant respectfully submits that claim 1 is patentable over the cited art. Because claim 1 is in condition for allowance, the dependent claims are also in condition for allowance.

CONCLUSION

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 18th day of March, 2008.

Respectfully submitted,

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